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ABSTRACT

This updated bibliography lists 92 document abstracts retrieved from the ERIC collection. "Dissertation Abstracts", and the journal literature covering the defined civil rights of students at the high school and college levels, and recent legal pronouncements. (SD)

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ED 082104

# searchlight

*Relevant Resources in High Interest Areas*

**IU** UPDATE SEARCH

Compiled by Ronald R. Kopita

September 1973

This search covers the defined civil rights of students at the high school and college levels, and recent legal pronouncements. (92 document abstracts retrieved)

$1.00

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CG 400 083

## School Discipline and Student Rights

# Introduction

This information packet, prepared by the ERIC Counseling and Personnel Services Center, is intended to alert the user to a body of literature on a topic of current interest to counselors. It identifies research reports that have been cited in the Educational Resources Information Center's (ERIC) publication, Research in Education (RIE), in Dissertation Abstracts International, and in ERIC's Current Index to Journals in Education (CIJE) from July 1971 through March 1973.

## Ordering Instructions

Searchlight has attempted to give availability for all materials listed in this packet. In most cases, it is possible to obtain a personal copy of the title listed. The sources fall into three groupings:

ERIC Documents

References in this search for which an ED (ERIC Document) number is given may be ordered from the ERIC Document Reproduction Service (EDRS). Copies are available in either hard (photo) copy or in microfiche form. The microfiche require a special machine for use. To order any of the ED materials, please refer to the ERIC Reports Order Blank at the back of this packet.

Doctoral Dissertations

All dissertations listed in this search have been drawn from Dissertation Abstracts International, a publication of University Microfilms. They are available on microfilm (MF) at $4.00 per dissertation, or in bound photo COPY (X) at $10.00 per dissertation from University Microfilms.

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Journal Articles

Journal articles are available from the original journal in library or personal collections. Refer to the entry for volume and page designations.

# ERIC Documents

**ED 048 651** EA 003 371
**Academic Freedom in the Public Schools. A Discussion Paper.**
Oregon Education Association, Portland.
Pub Date 70
Note—24p.
Available from—OEA Professional Standards Department, 1 Plaza Southwest, 6900 Southwest Haines Road, Tigard, Oregon 97223 ($1.00, quantity discount)
**EDRS Price MF-$0.65 HC-$3.29**
Descriptors—*Academic Freedom, *Civil Liberties, Elementary Grades, *Guidelines, *Public Schools, *School Policy, Secondary Grades, Students, Student Teacher Relationship, Teacher Responsibility
This pamphlet clarifies the concept of academic freedom and its application to grades 1-12 of the public schools. Guidelines focus the attention of school districts, professionals, and the public on the key issues of academic freedom, including its relationship to district policies, personal freedom, instruction, and students. A 58-item bibliography is included. (MLF)

**ED 049 130** SO 000 937
**Bill of Rights Newsletter. Volume 5, Number 1.**
Constitutional Rights Foundation, Los Angeles, Calif.
Pub Date 71
Note—16p.
Available from—Constitutional Rights Foundation, 609 South Grand Avenue, Suite 1012, Los Angeles, California 90017 (Subscription $2.00; Single Issue, $1.00)
**Document Not Available from EDRS.**
Descriptors—*Activism, Citizen Participation, *Citizenship, Civics, *Civil Liberties, Community Action, Court Litigation, Curriculum Development, Democratic Values, *Newsletters, Political Issues, Resource Guides, Secondary Grades, Social Action, Social Change, *Social Studies
Identifiers—*Values Education
The biannual Newsletter, directed to secondary school teachers, now has a supplement, Bill of Rights Today, for student use. The student newsletter contains materials intended to stimulate discussion and class work on the subject of change in the school, community, and nation. In this issue articles on Common Cause, National Rifle Association, and Ecology Commandos illustrate public pressure for change based on different means and objectives. Featured articles for analysis and discussion are on the flag salute revision proposed by former U.S. Commissioner of Education James Allen, and an underground high school newspaper controversy. To illustrate redress of grievance through the judicial system eight cases before the U.S. Supreme Court are surveyed. The teachers Newsletter presents background information on the subject and emphasizes the need for using the community as an action laboratory so that students can discover for themselves how the system functions and where it can be effectively improved. Sections on Using the Newsletter with Students, and Books of Interest are included. Future issues of this newsletter are available only from the Foundation. (Author/JSB)

**ED 049 728** JC 710 106
*Bromley, Ann*
**Survey of Student Rights, Freedoms and Involvements.**
Santa Fe Junior Coll., Gainesville, Fla.
Pub Date [71]
Note—3p.
**EDRS Price MF-$0.65 HC-$3.29**
Descriptors—Activism, *Governance, *Junior Colleges, *Perception, *Student College Relationship, *Student Participation
Identifiers—Florida, Texas
A survey questionnaire designed to determine whether faculty, students, and administrators were aware of the policies governing student rights, freedoms, and involvements at their college was responded to by 143 students and 642 faculty members from El Centro Junior College in Texas and Santa Fe Junior College in Florida. Data showed that there is no definite knowledgeable understanding of the rights, freedoms, and involvements among the respondent junior college students and faculty at the colleges sampled. From the findings of this limited study and from observations, it is felt that there is not a high correlation between campus unrest and lack of information. (CA)

**ED 051 022** SO 001 250
*Cohen, William And Others*
**The Bill of Rights: A Source Book.**
Constitutional Rights Foundation, Los Angeles, Calif.
Pub Date 70
Note—379p.; Revision of California State Department of Education, The Bill of Rights: A Source Book for Teachers
Available from—Benziger Brothers, Inc., 866 Third Avenue, New York, New York 10022 ($4.00)
**Document Not Available from EDRS.**
Descriptors—Citizenship, *Civil Liberties, *Constitutional History, Court Cases, Court Litigation, Democratic Values, Federal Government, Legal Problems, Political Attitudes, Political Issues, Political Science, Resource Guides, *Resource Materials, *Social Studies, United States History
Identifiers—*Bill of Rights, California Bill of Rights Project
This volume contains source material relating to the historical development of Constitutional rights and issues, and the current problems created by the application of the guarantees embodied in most of the important Constitutional provisions. Essentially a revision of the original California publication, its purpose is to "accommodate many of the problems encountered through teacher-use of that publication." The parts and sections are: 1) Judicial Review, the Fourteenth Amendment, and Federalism; 2) Equal Protection of the Laws; 3) Criminal Due Process; 4) Freedom of Expression; and, 5) Freedom of Religion. Four appendices are: 1) The Expanded Bill of Rights; 2) Selected References; 3) Table of Cases; and, 4) a 22 page subject index. The companion volume, SO 001 249, suggests various teaching strategies for implementing this source material. (Author/DJB)

**ED 048 666** 24 EA 003 416
*Gaddy, Dale*
**Rights and Freedoms of Public School Students: Directions from the 1960s. ERIC/CEM State-of-the-Knowledge Series, Number Nine.**
National Organization on Legal Problems of Education, Topeka, Kans.; Oregon Univ., Eugene. ERIC Clearinghouse on Educational Administration.
Spons Agency—National Center for Educational Research and Development (DHEW/CE), Washington, D.C.
Report No—NOLPE-Monogr-2
Bureau No—BR-8-0353
Pub Date 71
Contract—OEC-0-8-080353-3514
Note—67p.
Available from—National Organization on Legal Problems of Education, 825 Western Avenue, Topeka, Kansas 66606 ($3.50)
**EDRS Price MF-$0.65 HC-$3.29**
Descriptors—*Activism, Administrative Policy, *Court Cases, Elementary Grades, *Freedom of Speech, Literature Reviews, *School Law, Secondary Grades, Student Attitudes, Student Behavior, Student School Relationship
Identifiers—*Student Rights
This monograph identifies the rights and freedoms of public school students at the secondary and elementary levels, and discusses the legal limitations or modifications that school officials can place on those rights and freedoms. For this paper, the reviewer investigated published and unpublished literature and the pertinent judicial decisions rendered by State and Federal courts between 1960 and 1970. The reviewer notes firm trends in decisions on historical constitutional freedoms such as freedom of association, freedom of religion, and rights to procedural due process. There is no discernible pattern in other areas such as freedom of expression, freedom of dress and appearance, and freedom to learn. (Author/JF)

**ED 054 181** TE 002 585
*Gibbs, Annette*
**Guidelines for the Chief Student Personnel Administrator in Implementing Editorial Policies Related to Freedom of Expression in Sanctioned Student Newspapers of State Colleges.**
Pub Date 70
Note—11p.; Ph.D. Dissertation, The Florida State University
Available from—University Microfilms, A Xerox Company, Dissertation Copies Post Office Box 1764, Ann Arbor, Michigan 48106 (Order No. 71-7017: MF $4.00, Xerography $10.00)
**Document Not Available from EDRS.**
Descriptors—*Freedom of Speech, *Journalism, Newspapers, *School Newspapers, *Student College Relationship, *Student Rights
The study was designed to answer three questions: (1) What should be the function of the state college's sanctioned student newspaper? (2) What are the legal boundaries which pertain to editorial policies of the student newspaper in relation to student freedom of expression and with which the state college must be concerned? (3) What, if any, journalistic ethics or obligations should pertain to the student newspaper? The investigation was conducted primarily in three ways: (1) through an analysis of the status of the college student newspaper, (2) through a study of legal decisions handed down by the state and federal courts which apply to the college student newspaper, and (3) through an analysis of the official positions of educational, professional, and civil liberties organizations which are concerned with student freedom of expression. The 10 guidelines which emerged from this investigation are given. Evidence indicates that problems and conflicts exist, in some measure, because student editors and institutional administrators are not in agreement as to which topics and ideas should be presented and discussed in the newspaper. More attention and care should be taken in describing the role and function of the student newspaper, because legal actions show that too often the college has usurped student freedom of expression in the newspaper. (Author/DB)

**ED 050 453** EA 003 446
*Hollister, C. A. Leigh, P. R.*
**The Constitutional Rights of Public School Students. Research Development Service Bulletin; Vol. 14, No. 6.**
Oregon School Study Council, Eugene.
Pub Date Feb 71
Note—44p.
Available from—Oregon School Study Council, College of Education, University of Oregon, Eugene, Oregon 97401 ($2.50)
**Document Not Available from EDRS.**

Descriptors—*Activism, *Administrative Personnel, Administrator Responsibility, Clothing, Elementary School Students, *Federal Court Litigation, Freedom of Speech, Religious Factors, *School Law, Secondary School Students
Identifiers—Dress Codes, Due Process, *Student Rights

This report reviews legel problems related to students' rights by discussing the results of legal disputes involving primary and secondary student challenges to school district rules, regulations, and policies. The study is concerned solely with controversies involving Federal issues that have been heard by Federal courts. A summary of apparent trends and Federal judiciary decisions pertaining to student rights is found at the end of each chapter. (JF)

**ED 052 704** HE 002 326

**Interim Report of the Select Committee to Investigate Campus Disturbances to the 108th Ohio General Assembly Pursuant to Am. Sub. S. Con. R. No. 34.**

Ohio House of Representatives, Columbus.
Pub Date 71
Note—34p.
**EDRS Price MF-$0.65 HC-$3.29**
Descriptors—*Activism, *Demonstrations (Civil), *Discipline Policy, Governance, State Colleges, *State Universities, *Student College Relationship
Identifiers—*Ohio

In its examination of the circumstances surrounding recent disorders and the closing of state colleges and universities in Ohio, the select committee held hearings at each institution, received testimony and exhibits from persons within and outside the academic community, and gathered information from studies conducted in other states. Directed to identify the main causes of student unrest, the committee found that most specific underlying reasons involve problems that arise from and must be solved by universities themselves. Findings and recommendations are presented in the areas of: standards of conduct and discipline, faculty rights and obligations, university operations, campus security and law enforcement, and organized efforts to disrupt. (JS)

**ED 051 574** EA 003 577

*Maready, William F.*
**The Courts as Educational Policy Makers.**
Pub Date Apr 71
Note—20p.; Speech presented at National School Boards Association Annual Convention (31st, Philadelphia, Pennsylvania, April 3-6, 1971)
**EDRS Price MF-$0.65 HC-$3.29**
Descriptors—Activism, Administrative Personnel, Boards of Education, *Court Role, *Discipline Policy, Educational Policy, *Federal Court Litigation, Freedom of Speech, *School Law, Speeches, *Student Rights

This report discusses the expanding role of Federal judges as educational policymakers. The report discusses court decisions related to interpretations by the Federal Courts of the U.S. Constitution. The report notes that court decisions have covered the following topics: dress codes, flying of the flag, freedom of speech, unwed mothers, underground newspapers, hair length, location of school buildings, and school bus transportation. The author notes increasing restraint on the part of the courts in influencing educational policy. (JF)

**ED 048 672** 24 EA 003 447

*Phay, Robert E.*
**Suspension and Expulsion of Public School Students. ERIC/CEM State-of-the-Knowledge Series, Number Ten.**
National Organization on Legal Problems of Education, Topeka, Kans.; Oregon Univ., Eugene. ERIC Clearinghouse on Educational Administration.
Spons Agency—National Center for Educational Research and Development (DHEW/CE), Washington, D.C.
Report No—NOLPE - Monogr-3
Bureau No—BR-8-0353
Pub Date 71
Contract—OEC-0-8-080353-3514
Note—49p.
Available from—National Organization on Legal Problems of Education, 825 Western Avenue, Topeka, Kansas 66606 ($3.50)
**EDRS Price MF-$0.65 HC-$3.29**
Descriptors—Activism, *Court Cases, *Discipline Policy, *Expulsion, High Schools, Misbehavior, Public Education, School Law, Student School Relationship, *Suspension
Identifiers—*Student Rights

This monograph reviews and analyzes decisions dealing with suspension or expulsion of students by public school authorities. The report focuses on recent court cases that reaffirm, amplify, or extend entrenched constitutional and common law principles undergirding the public educational system in the United States. The author considers the traditional elements of procedural due process and concludes that to comply with the minimum requirements of procedural due process administrators must (1) give the student adequate notice of the grounds of the charges and the nature of evidence against him, (2) conduct a hearing (unless the student waives it), and (3) take action only if it is warranted by the evidence. The author recommends that administrators develop written policies on student conduct, outline procedures for handling discipline cases, provide grievance procedures for students and faculty, and detail emergency plans to deal with school disorders. (Author/JF)

**ED 051 542** EA 003 389

**Upsurge and Upheaval in School Law.**
National Organization on Legal Problems of Education, Topeka, Kans.
Pub Date 69
Note—216p.; Papers presented at National Organization on Legal Problems of Education annual convention (15th, Cleveland, Ohio, November 18-20, 1969)
Available from—National Organization on Legal Problems of Education, 825 Western, Topeka, Kansas 66606 ($7.50)
**EDRS Price MF-$0.65 HC-$9.87**
Descriptors—Activism, Administration, *Civil Rights, Collective Negotiation, Court Cases, Dual Enrollment, Freedom of Speech, *Information Systems, *Legal Aid, Principals, Private Schools, *Racial Integration, *School Law, Supreme Court Litigation, Teachers, Tenure, Urban Education
Identifiers—Due Process

This report compiles papers and panel discussions, on various aspects of school law, that were presented at the 15th annual NOLPE convention. Major presentations include: Terrence E. Hatch, "The Principal's Role in Collective Negotiations"; Philip K. Piele, "Document-Based Information Systems Responsive to Legal Problems in Education";

**ED 051 730** HE 002 132

*Young, D. Parker Gehring, Donald D.*
**Briefs of Selected Court Cases Affecting Student Dissent and Discipline in Higher Education.**
Georgia Univ., Athens. Inst. of Higher Education.
Pub Date 70
Note—55p.
**EDRS Price MF-$0.65 HC-$3.29**
Descriptors—*Activism, *College Students, Court Cases, *Court Litigation, *Discipline, Discipline Policy, *Higher Education
Identifiers—*Due Process, *Speaker Bans

The briefs of selected court cases affecting student dissent and discipline in higher education presented in this report are divided in the following sections: (1) relationship between students and the institution, including contractual theory and in loco parentis; (2) relationship between the courts and education, including cases involving jurisdiction, state action, and scholastic affairs; (3) due process, including cases involving specificity of rules, notice and hearing, right to counsel, off campus judicial proceedings, freedom of speech, expression and assembly, speaker bans, search and seizure and interim suspension; and (4) equal protection. (AF)

**ED 051 772** HE 002 276

*Chambers, M. M.*
**Freedom of the College Student Press.**
Illinois State Univ., Normal. Dept. of Educational Administration.
Pub Date Jan 71
Note—18p.
**EDRS Price MF-$0.65 HC-$3.29**
Descriptors—*Civil Liberties, *College Students, *Court Litigation, *Higher Education, Newspapers, School Newspapers, *Student Publications
Identifiers—Due Process, *Freedom of the Press

There is considerable debate on and off campus about the extent to which student editors and reporters can legitimately express controversial views and whether they may use allegedly indecent words; and whether university and college administrators can censor or suppress student publications unacceptable to them. This paper reviews some of the cases of freedom of the college and high school student press and court pronouncements related to these issues. Cases discussed are: (1) the publication and censoring of an Eldridge Cleaver article at Fitchburg State College in Massachusetts, (2) the publication of an article critical of state officials at Troy State University in Alabama, and the subsequent dismissal of the paper's editor, (3) refusal by campus papers to accept paid advertisements designed to promote social or political views; and (4) situations in which students were punished and expelled for distributing pamphlets critical of the administration or other officials. Court decisions held that in all cases students were entitled to due process. (AF)

**ED 051 021** SO 001 249

*Sobul, DeAnne*
**The Bill of Rights: A Handbook.**
Constitutional Rights Foundation, Los Angeles, Calif.
Pub Date 69
Note—272p.
Available from—Benziger Brothers, Inc., 866 Third Avenue, New York, New York 10022 ($4.00)
**Document Not Available from EDRS.**
Descriptors—American Government (Course), Case Studies (Education), Citizenship, *Civics, *Civil Liberties, Constitutional History, Democratic Values, Educational Needs, Learning Activities, Political Attitudes, Political Issues, Political Science, *Political Socialization, Resource Guides, Secondary Grades, *Social Studies Units, Teacher Education, Teaching Guides, *United States History
Identifiers—*Bill of Rights

The purpose of this companion to SO 001 250 is to provide teachers with specific information for improving instruction concerned with individual freedom and responsibility. The need for improvement has been established by studies indicating little or no change in the political orientation of high school students from the formal civics curriculum, resulting in high school graduates with a low level of appreciation and commitment to the American Bill of Rights. Three essays in Part One set the problem. Part Two offers solutions through teacher education and the use of case studies in instruction; also included is an outline of California's program. Part Three offers specific learning experiences, e.g., social studies units and lessons, in a variety of social studies classrooms, from world history to student government. Part Four includes various aids for the teacher: a bibliography of selected teacher and student readings, audio-visual aids, a table of cases, and the expanded Bill of Rights. (Author/DJB)

**ED 050 447** EA 003 433

*Dolce, Carl J*

**A Sensible Assessment of Student Rights and Responsibilities.**

Pub Date Feb 71

Note—10p.; Paper presented at American Association of School Administrators Annual Convention. (103rd, Atlantic City, New Jersey, February 20-24, 1971)

**EDRS Price MF-$0.65 HC-$3.29**

Descriptors—*Administrative Personnel, Administrator Responsibility, Clothing, *Court Litigation, Elementary School Students, Freedom of Speech, Religious Factors, *School Law, Secondary School Students, Speeches

Identifiers—Dress Codes, Due Process, *Student Responsibility, Student Rights

This report discusses factors that lead to wide disagreement among educators about proper definitions of student rights and responsibilities. These factors include (1) the particular era in which a definition is formulated, (2) the role perspectives, (3) the values held, (4) the anticipated consequences, and (5) the implicit concepts held concerning the nature of education. The author calls for an expansion of student rights balanced against institutional (societal) needs. He argues that students should have the rights to (1) free expression of their religious, political, and/or

**ED 051 773** HE 002 277

*Chambers, M. M.*

**The "Speaker Ban" Furor.**

Illinois State Univ., Normal. Dept. of Educational Administration.

Pub Date Feb 71

Note—14p.

**EDRS Price MF-$0.65 HC-$3.29**

Descriptors—*Civil Liberties, *Court Litigation, *Freedom of Speech, *Higher Education

Identifiers—*Speaker Bans

This paper reviews some of the speaker ban cases that were tested in U.S. district courts. The cases discussed are: (1) the attempt by University of North Carolina administrators to ban Herbert Aptheker (an avowed Communist) from speaking on campus; (2) the class action of the Chicago Circle campus of the University of Illinois brought before a special three-judge federal court to have the Clabaugh Act declared unconstitutional; (3) the barring from Auburn University of William Sloan Coffin, a man convicted of a felony; (4) the rejection by the administration of the University of Tennessee of proposed invitations by a student organization to Dick Gregory and Timothy Leary; and (5) and the rules governing guest speakers promulgated by the Mississippi Board of Trustees of State institutuions of Higher Learning which were applicable to all campuses. None of the speaker bans were upheld in the courts. (AF)

**ED 052 684** HE 002 287

**Committee on University Governance Report to the Regents of The University of New Mexico.**

New Mexico Univ., Albuquerque.

Pub Date May 71

Note—62p.

**EDRS Price MF-$0.65 HC-$3.29**

Descriptors—Civil Liberties, College Faculty, College Students, *Discipline Policy, *Governance, *Ombudsmen, *Student Participation, *Universities

Identifiers—*New Mexico University

The Committee on University Governance was charged with the responsibility of conducting a new study of the University of New Mexico's governance and to recommend improvements. This report contains a discussion and recommendations relating to: (1) the creation of a University Community Council, including its functions, size and composition; (2) the need for a student voice in matters of curriculum and quality of instruction; (3) faculty organization; (4) the creation of the position of University Ombudsman; and (5) grievance and disciplinary procedures. Included in the appendices are: (1) examples of statements which might be used in the Regents' Statement on Rights; (3) a model Bill of Rights and Responsibilities; and (4) the Harvard Resolution on Rights and Responsibilities. (AF)

**ED 056 003** SP 005 372

**Code of Student Rights and Responsibilities.**

National Education Association, Washington, D.C.

Pub Date 71

Note—54p.; Developed by the NEA Task Force on Student Involvement

Available from—Publications-Sales Section, NEA, 1201 16th Street, N.W., Washington, D.C. 20036 (Stock No. 381-11986; $1.50)

**EDRS Price MF-$0.65 HC Not Available from EDRS.**

Descriptors—Discipline, Grievance Procedures, *Laws, *Responsibility, *School Law, *Student Rights, *Student School Relationship

This paper describes standards for procedures and structures that will enable students at the secondary and postsecondary levels to exercise their rights and fulfill their responsibilities in the educational institution. The paper has three main sections: 1) "The Institution's Relation to the Student," which includes the right of access to education, the right to affect organized learning activities, and the right to confidentiality of information; 2) "Student Affairs," which includes the right to freedom of association, the right to participate in institutional government, and the right to freedom of inquiry and expression; and 3) "Law, Discipline, and Grievance," which includes the right to establish standards for discipline and grievance, and the right to just enforcement of standards. Extensive footnotes cite legal backing and court decisions related to the various rights and responsibilities. (MBM)

**ED 056 388** EA 003 787

**"Pupil Conduct, Discipline, and Rights": A Report to the Washington State Legislature by the Subcommittee on Student and Personnel Policies of the Joint Committee on Education.**

Washington State Legislature, Olympia.

Pub Date 30 Dec 69

Note—32p.

**EDRS Price MF-$0.65 HC-$3.29**

Descriptors—*Conduct, Court Cases, Discipline, *Discipline Policy, Dress Codes, Due Process, *Educational Legislation, *School Law, *Student Rights

This report presents commentaries on the legal aspects of student rights and on some of the disciplinary measures utilized by public schools. It proposes legislation designed to assure that schools, in shaping their disciplinary policies, will conform to the framework of existing constitutional law and recent court cases. A related document is EA 003 785. (JF)

**ED 056 642** HE 002 641

*Diener, Thomas J., Ed.*

**The Law and Higher Education: Where the Action Is! Proceedings of a Conference (Tuscaloosa, Alabama, March 29, 1971).**

Alabama Univ., University.

Pub Date 29 Mar 71

Note—39p.

**EDRS Price MF-$0.65 HC-$3.29**

Descriptors—*Activism, *College Students, Conference Reports, *Court Litigation, Discipline Policy, *Higher Education, *Student Behavior, Student Rights, Trustees

This report contains 4 addresses given at a conference on higher education and the law in Tuscaloosa, Alabama, and includes 2 supporting documents. The first address: "An Overview of the Interaction," by Richard A. Thigpen, discusses: (1) how constitutional standards are made applicable to public and private institutions of higher education; (2) student rights and responsibilities; (3) the legal relationship of the faculty to the institution; and (4) administrative discretion. The 2nd address: "Student Rights and Responsibilities," by D. Parker Young, deals with the legal setting as related to campus life, and the issue of due process for students. The 3rd address: "A Trustee's View of Student Unrest and the College Community," by Henry L. Bowden, deals with the concerns, experiences, and reactions of the trustees of Emory University in Atlanta. The last address: "Remedies for Student Protest," by Fred D. Gray, discusses 5 actions that can be taken to cope with protest: (1) the injunctive process; (2) suits by taxpayers and students not participating in the unrest; (3) arrest; (4) state and federal legislation; and (5) status quo remedies. The 2 documents included are: (1) A Statement of Policy Relative to Dissent Adopted by the Board of Trustees and President of Emory University; and (2) a selected bibliography on institutional governance and campus unrest. (AF)

**ED 057 148** UD 011 957

*Rose, Wendell J.*

**Law and Order in Classroom and Corridor. NCRIEEO Tipsheet, Number 6.**

Columbia Univ., New York, N.Y. National Center for Research and Information on Equal Educational Opportunity.

Pub Date Nov 71

Note—6p.

**EDRS Price MF-$0.65 HC-$3.29**

Descriptors—Culture Conflict, *Disadvantaged Youth, Discipline Policy, *Discipline Problems, Integration Effects, Police Action, Police School Relationship, *School Administration, School Attitudes, School Integration, Security, Student Alienation, Student Behavior, *Student School Relationship, *Student Teacher Relationship

With the increase in the number of newly desegrated and not yet integrated schools has come a rise in reports of student behaviors considered anti-school and anti-teacher. Many institutions are strengthening security personnel to enforce order and discipline. But community reaction to "police" may be more destructive than the unacceptable behavior of children. Student participation in administration does not necessarily reduce or eliminate the occurrence of such behaviors, which are not in themselves a new phenomenon. Hiring uniformed guards is more of a new act which everyone confronted with serious discipline problems does not do. A more positive and constructive approach is the continual evaluation of discipline standards in all schools, integrated or segregated. Teachers must take into account the many factors which comprise natural barriers not only to the learning process but to human interaction as well. The disadvantaged have a "second education" quite different from that institutionalized by Jews, Chinese, and Japanese: it is a "reality education" with one's social and even physical survival at stake. This informal education is uniquely divergent from the formal education attempted in schools. Employment of the symbols of law enforcement to coerce surface conformity to the standards of schools is demeaning to both guards and students, and ultimately self-defeating. (JM)

**ED 057 495** EA 003 952

*Phay, Robert E.*

**The Courts and Student Rights -- Procedural Matters.**

Pub Date 12 Nov 71

Note—27p.; Paper presented at National Organization on Legal Problems in Education annual convention (17th, Las Vegas, Nevada, November 10-12, 1971)

**EDRS Price MF-$0.65 HC-$3.29**

Descriptors—Activism, *Court Cases, *Discipline Policy, *Due Process, Freedom of Speech, *School Law, School Policy, Speeches, State Laws, *Student Rights, Suspension

This paper traces the evolution of student rights and the judicial protection of these rights through numerous court cases. The author outlines the minimum standards of due process required in disciplinary proceedings and discusses cases that point up (1) the required specificity of rules on student conduct, (2) the requirements of notice to student and parents, (3) the right to a fair hearing, (4) the right to counsel, (5) the right to inspect evidence, (6) the right to have an impartial trier of fact at a hearing, (7) the right to cross-examine and confront witnesses, and (8) the right to protection against self-incrimination. The author recommends that schools provide a grievance procedure for students and faculty and that they establish written regulations on student conduct as well as written procedures for handling discipline cases. He also recommends that schools have emergency plans to deal with school disorders. (JF)

**ED 057 501** EA 003 986

**The Student's Day in Court: Review of 1970. An Annual Compilation. School Law Series.**

National Education Association, Washington, D.C. Research Div.
Report No—RR-1971-R8
Pub Date 71
Note—106p.
Available from—Publication Editor, NEA Research Division, 1201 Sixteenth Street, N.W., Washington, D.C. 20036 (Stock No.435-25480, $2.50)
**EDRS Price MF-$0.65 HC Not Available from EDRS.**
Descriptors—Activism, Attendance, *Court Cases, Discipline, *Discipline Policy, Dress Codes, Freedom of Speech, Religious Education, *School Integration, *State Church Separation, *Student Rights, Transportation

This report contains digests of 171 federal and State court decisions concerning students, which were compiled from court decisions published in the National Reporter System during the calendar year 1970. The case digests are classified under (1) admission and attendance, (2) school desegregation, (3) student discipline, (4) student injury,(5) religion/sectarian education, (6) transportation, and (7) miscellaneous. Student discipline is subdivided according to dress and appearance, protests and demonstrations, publication and distribution of literature, and other disciplinary activities. Decisions on school desegregation and the permissible length of male students' hair are reported on a selective basis because of the voluminous number of repetitive issues. (Author)

**ED 058 658** EA 004 029

**School Board Policies on Student Discipline. Educational Policies Development Kit.**

National School Boards Association, Waterford, Conn. Educational Policies Service.
Report No—Cat-71-32
Pub Date Aug 71
Note—32p.
Available from—National School Boards Association, State National Bank Plaza, Evanston, Illinois 60201 (Kit #71-32, 1-3 kits $2.00, quantity discounts)
**EDRS Price MF-$0.65 HC Not Available from EDRS.**
Descriptors—*Activism, *Board of Education Policy, Boards of Education, Discipline, *Discipline Policy, *Due Process, *Guidelines, Policy Formation, Student Rights, Student School Relationship

This report provides board policy samples and other policy resources on student discipline. The intent in providing policy samples is to encourage thinking in policy terms and to provide working papers that can be edited, modified, or adapted to meet local requirements. Topics covered in the samples include corporal punishment, student safety, detention, suspension and expulsion, student hearings, student demonstrations and strikes, and staff protection. (Author)

**ED 059 540** EA 004 043

**Student Codes: A Packet on Selected Codes and Related Materials.**

Harvard Univ., Cambridge, Mass. Center for Law and Education.
Pub Date May 71
Note—262p.
Available from—Center for Law and Education, Harvard University, 38 Kirkland Street, Cambridge, Massachusetts 02138 ($5.00)
**EDRS Price MF-$0.65 HC-$9.87**
Descriptors—Activism, *Board of Education Policy, *Conduct, Court Cases, *Discipline Policy, *Dress Codes, Due Process, Freedom of Speech, School Law, *Student Rights

This report discusses various types of student codes, presents the need for such codes, outlines court challenges of these codes, and provides guidelines for drafting codes. Sample codes in the packet include citywide codes from eight cities, four Statewide policy statements, and selected model codes. (JF)

**ED 064 795** EA 004 470

*Parnell, Dale*

**Minimum Standards for Student Conduct and Discipline, Including Suggested Guidelines and Model Codes. Oregon Administrative Rules 21-050 – 21-085.**

Oregon State Board of Education, Salem.
Pub Date 12 May 72
Note—16p.; Standards adopted by the Oregon State Board of Education May 12, 1972
**EDRS Price MF-$0.65 HC-$3.29**
Descriptors—Attendance, *Behavior Standards, *Conduct, Discipline, *Discipline Policy, Dress Codes, Freedom of Speech, Motor Vehicles, School Policy, Search and Seizure, Smoking, *State Standards, *Student Behavior, Student Records, Student Rights

The guidelines and codes in this booklet were written to assist teachers and administrators strengthen their positions in times of legal and social confusion and in the face of challenges to administrative and staff authority. Model codes are provided for student (1) assembly, (2) dress and grooming, (3) motor vehicles, (4) search and seizure, (5) attendance, (6) freedom of expression, (7) tobacco use, (8) physical discipline, (9) records, (10) suspension and expulsion, and (11) for nonstudent loitering. (Author/JF)

**ED 065 942** EA 004 542

**Guidelines for Students Rights and Responsibilities.**

New York State Education Dept., Albany
Pub Date [72]
Note—52p.
**EDRS Price MF-$0.65 HC-$3.29**
Descriptors—*Administrator Responsibility, After School Activities, Confidentiality, Counseling, Discipline, Dress Codes, Freedom of Speech, Grievance Procedures, Police School Relationship, School Newspapers, Search and Seizure, Student Government, Student Organizations, *Student Participation, *Student Responsibility, *Student Rights, *Student School Relationship, *Teacher Responsibility
Identifiers—Married Students, Pregnant Students

The directives in this document provide guidance to students, parents, teachers, school administrators, school boards, and the general public for the formulation of local policies governing relations among the various groups and individuals who make up the school community. The content focuses on the personal responsibilities of these individuals and groups. The discussion is organized under (1) student involvement, (2) student government, (3) student inquiry and expression, (4) student press, (5) extra curricular activities and clubs, (6) personal appearance, (7) counseling, (8) student record files, (9) discipline, (10) search by school personnel, (11) police in schools, and (12) grievance and appeals. Descriptive explanations of the New York State Student Advisory Committee and the New York State Task Force on Student Affairs are appended. (JF)

# Journal Articles

Blankenburg, Richard M. "Civil Rights of Public School Students." Teachers College Record, 1971, 72(4), pp495-504.

Court decisions favoring students over school districts are discussed.

Brown, Joan G. "Law and Punishment: Status of State Statutes." Clearing House, 1971, 46(2), pp106-109.

Fitzgerland, R. V. "The Threat to Freedom." School Library Journal, April, 1971, pp31-32.

Frels, Kelly. "Exhaustion of the Educational Institution's Remedies." NOLPE School Law Journal, 1971, 1(2), pp3-19.

Discusses recent court cases that illustrate situations wherein exhaustion of administrative or State court remedies must be effected before plaintiffs can

resort to Federal Courts. (JF)

Friedan, Betty, and West, Anne Grant. "Sex Bias: the Built-In Mentality That Maims the Public Schools." American School Board Journal, 1971 159(4), pp16-20.

Discusses examples of sex based discrimination in public schools.

Garber, Lee O. "Court Sets Guidelines for Teaching About Religion." Nations Schools, 1971, 88(3), pp78.

Garber, Lee O., and Seitz, Reynolds C. "Discipline of College Students." Appendix. Yearbook of School Law, 1971, pp297-322.

Discusses college student rights under the following headings:

(1) First Amendment applications to outside speakers on campus at the request of student organizations;

(2) Extent of freedom of the student

press; (3) Disciplinary rule stringency; and (4) The application of State criminal statutes in campus disruption cases. (JF)

Garber, Lee O., and Seitz, Reynolds C. "Pupils." Yearbook of School Law, 1971, pp253-295.

Discusses recent court litigation concerning legal rights and responsibilities of pupils covering procedural due process, grooming and appearance, regulation of speech and publications, liability for pupil injuries, and racial integration. (JF)

Goodman, Paul. "What Rights Should Children Have?" New York Review of Books, 1971, 17(4), pp20-22.

A critical introduction to a book by Paul Adams and others entitled "Children's Rights," essays "... toward the liberation of the child,"

to be published by Praeger in October, 1971. (JM)

Hill, Norman. "For Liberty and Equality." Current, 1971, 129, pp32-35.

Debates whether racial minorities should be grated preferential treatment regarding entrance requirements and achievement at the college level. Presents a rationale that does not favor this proposal.

Hoffman, Earl. "The Law and the Teacher." Grade Teacher, 1971, 89(1), pp144,146-51.

A teacher's legal responsibilities and limitations in situations involving student discipline or supervision are discussed. (DB)

Ireland, Roderick L., and Dimond, Paul R. "Drugs and Hyperactivity: Process Is Due." Inequality in Education, 1971, 8, pp19-24.

Discusses the scope of due process that should be allowed by a school to a hyperactive child and its parents when determining what type of treatment will be given to the child. (JF)

Knowles, Laurence W. "Student Rights Find a Friend in Court(s)." Education Digest, 1971, 36(9), pp15-17.

Some recent court actions resulting in favorable decisions for the students involved are discussed. (CK)

Lines, Patricia M. "Codes for High School Students." Inequality in Education, 1971, 8, pp24-35.

Discusses the reason for school codes and their relationship to student rights and responsibilities. (JF)

Manley-Casimir, Michael E. "Student Discipline as Discretionary Justice." Administrator's Notebook, 1971, 20(2), pp1-4.

Suggests that individualized justice is a necessary precondition to the maintenance of effective student discipline and that the discipline dilemma can be resolved by viewing the administration of student discipline as a problem of discretionary justice. (Author)

McInnes, William C. "A Statement of Rights for College Administrators." Journal of Higher Education, 1971, 42(5), pp374-86.

Codification of basic conditions of administrative freedom in a modern university setting. (Editor)

Nolte, M. Chester. "Due Process and What It's Doing to Schools." American School Board Journal, 1971, 151(1), pp20-22.

Recent developments in school

law by a foremost school law authority. (LR)

Nolte, M. Chester. "Student Discipline: The New Rules Are Mostly All for Boards. The Do's and Don'ts of Due Process, IV." American School Board Journal, 1971, 159(4), pp38-39.

Describes procedures required of boards of education by the courts in disciplining students. (JF)

Nolte, M. Chester. "Student Freedoms and How Not To Let Them Shackle Your Board." American School Board Journal, 1971, 159(3), pp29-30.

Oltson, Lewy. "Obsolete Policies, Procedures, and Practices for Suspending Students Spell T-R-O-U-B-L-E." Updating School Board Policies, 1971, 2(4), ppl-4.

Pearson, George. "How Free Should Student Publications Be?" NASSP Bulletin, 1971, 55(356), pp50-8.

Triezenberg, George. "How to Live with Due Process." Education Digest, 1971, 36(9), pp18-21.

Recent court decisions indicate that schools must prove disruptive conduct on the part of students before taking disciplinary action. (CK)

Wetterer, Charles M. "Search and Seizure in the Public Schools." NOLPE School Law Journal, 1971, 1(2), pp20-27.

Discusses Fourth Amendment rights against unreasonable searches and seizures in terms of searches made of students and their lockers. (JF)

**EJ 035 943** 020 EA 501 472
**Obsolete Policies, Procedures, and Practices for Suspending Students Spell T-R-O-U-B-L-E** Olfson, Lewy, *Updating School Board Policies*, v2 n4, pp1-4, 6, Apr 71
*Suspension, *Discipline Policy, *Board of Education Policy

**EJ 037 253** 500 LI 501 406
**The Threat to Freedom** Fitzgerald, R. V., *School Library Journal*, pp31-32, Apr 15 71
*Censorship, *Academic Freedom, *Civil Liberties

**EJ 037 942** 230 AA 509 616
**Civil Rights of Public School Students** Blankenburg, Richard M., *Teachers College Record*, v72 n4, pp495-504, May 71
*Activism, *Court Litigation, *Civil Rights, *Student Behavior, *Public Schools, Police
Court decisions favoring students over school districts are discussed. (CK)

**EJ 037 952** 230 EA 501 516
**Law, Freedom, Equality -- and Schooling, Part One: Definitions and Limitations** Wise, Arthur E.; Manley-Casimir, Michael E., *ASCD Yearbook*, , pp46-73, 71
*School Law, *Civil Liberties, *Court Litigation, Discipline Policy, Educational Finance, Equal Education, Yearbooks, Democratic Values, [*Student Rights, Due Process]
A look at the new relationships which the law has prescribed for students, teachers, and administrators. (Author)

**EJ 038 789** 020 HE 502 461
**A Statement of Rights for College Administrators** McInnes, William C., *Journal of Higher Education*, v42 n5, pp374-86, May 71
*Higher Education, *Codification, *Civil Liberties, *Responsibility, *Administrative Principles, Institutional Administration, Educational Objectives, Faculty, Trustees, Students
Codification of basic conditions of administrative freedom in a modern university setting. (Editor)

**EJ 040 787** 230 EA 501 720
**Due Process and What It's Doing to Schools** Nolte, M. Chester, *American School Board Journal*, v159 n1, pp20-22, Jul 71
*School Law, *Board of Education Policy, *Court Litigation, *Student School Relationship, *Expulsion
Recent developments in school law by a foremost school law authority. (LR)

**EJ 040 794** 230 EA 501 729
**Pupils** Garber, Lee O.; Seitz, Reynolds C., *Yearbook of School Law*, pp253-295, 71
*School Law, *Discipline, *Court Litigation, Racial Integration, Unwed Mothers, Marriage, Freedom of Speech, Student Transportation, Students, [*Due Process*Student Rights, Dress Regulations]
Discusses recent court litigation concerning legal rights and responsibilities of pupils covering procedural due process, grooming and appearance, regulation of speech and publications, liability for pupil injuries, and racial integration. (JF)

**EJ 040 795** 230 EA 501 730
**Discipline of College Students. Appendix** Garber, Lee O.; Seitz, Reynolds C., *Yearbook of School Law*, , pp297-322, 71
*School Law, *College Students, *Court Cases, *Freedom of Speech, *Discipline, Crime, [Student Rights]
Discusses college student rights under the following headings: (1) First Amendment applications to outside speakers on campus at the request of student organizations, (2) extent of freedom of the student press, (3) disciplinary rule stringency, and (4) the application of State criminal statutes in campus disruption cases. (JF)

**EJ 040 805** 230 UD 500 984
**For Liberty and Equality** Hill, Norman, *Current*, n129, pp32-35, May 71
*Equal Education, *Minority Groups, *Academic Achievement, *College Admission, *Civil Liberties, Higher Education, Political Influences
Debates whether racial minorities should be granted preferential treatment regarding entrance requirements and achievement at the college level. Presents a rationale that does not favor this proposal. (DM)

**EJ 041 841** 040 AA 510 324
**The Law and the Teacher** Hoffman, Earl, *Grade Teacher*, v89 n1, pp144,146-51, Sep 71
*Laws, *Legal Problems, *Teacher Responsibility, *Student Rights
A teacher's legal responsibilities and limitations in situations involving student discipline or supervision are discussed. (DB)

**EJ 042 427** 230 AA 510 374
**How Free Should Student Publications Be?** Pearson, George, *NASSP Bulletin*, v55 n356, pp50-8, Sep 71
*Civil Liberties, *Court Litigation, *Freedom of Speech, *School Newspapers

**EJ 042 431** 230 EA 501 827
**Student Freedoms and How Not To Let Them Shackle Your Board** Nolte, M. Chester, *American School Board Journal*, v159 n3, pp29-30, Sep 71
*Student Rights, *Freedom of Speech, *School Law, *Boards of Education, Due Process, Board of Education Role, Court Cases, [*Board Student Relationship]

**EJ 042 437** 230 UD 501 116
**What Rights Should Children Have?** Goodman, Paul, *New York Review of Books*, v17 n4, pp20-22, Sep 23 71
*Child Responsibility, *Civil Rights, *Educational Innovation, *Student Teacher Relationship, *Student School Relationship, Social Change, Childhood, High Schools, Adolescence, Childhood Needs
A critical introduction to a book by Paul Adams and others entitled "Children's Rights," essays"...toward the liberation of the child," to be published by Praeger in October 1971. (JM)

**EJ 043 966** 140 EA 501 903
**The Rights of Young Children** Yonemura, Margaret, *National Elementary Principal*, v51 n1, pp56-63, Sep 71
*Early Childhood Education, *Preschool Education, *Student Centered Curriculum, *Child Development, *Student Rights, Student Teacher Relationship, Self Concept

**EJ 044 264** 230 AA 510 615
**Law and Punishment: Status of State Statutes** Brown, Joan G., *Clearing House*, v46 n2, pp106-9, Oct 71
*Education Legislation, *Administrator Attitudes, *Discipline Policy

**EJ 044 270** 230 EA 501 83?
**Court Sets Guidelines for Teaching About Religion** Garber, Lee O., *Nation's Schools*, v88 n3, pp78, Sep 71
*State Church Separation, *Religious Education, *School Law, *Court Cases, *Civil Liberties, Religious Factors

**EJ 044 277** 230 EA 501 932
**Student Discipline as Discretionary Justice** Manley-Casimir, Michael E., *Administrator's Notebook*, v20 n2, pp1-4, Oct 71
*Administrative Personnel, *Discipline, *Discipline Policy, *Due Process, *Student Rights, [Administrator Discretion, Discretionary Justice]
Suggests that individualized justice is a necessary pre-condition to the maintenance of effective student discipline and that the discipline dilemma can be resolved by viewing the administration of student discipline as a problem of discretionary justice. (Author)

**EJ 045 440** 060 CG 503 620
**One More Time: The Future of College Student Discipline** Carlson, Jan M.; Hubbell, Robert N., *NASPA Journal*, v9 n2, pp127-133, Oct 71
*Student College Relationship, *Discipline, *Discipline Policy, *Student Personnel Work, College Students, Activism
The program outlined brings the process of discipline more in line with an effort toward greater community responsibility. Student discipline, as a vital function of higher education, insures the preservation of the system and acts as a tool whereby learning can be enhanced for the student and the institution. (Author)

**EJ 046 953** 090 CG 503 762
**Counseling Involuntary and Reluctant Students: An Obsolete Pilot Project** LeMay, Morris L., *Journal of College Student Personnel*, v12 n6, pp422-426, Nov 71
*Counseling, *Student Personnel Work, *Individual Counseling, *Referral, *Discipline, Counseling Effectiveness, Behavior Change, College Students
The methods compared in an attempt to identify a practical means of working with disciplinary referrals all became obsolete by the time the study was completed. The changing nature of the college scene and the demise of the concept of in loco parentis probably have negated any practical value of this study. (Author)

**EJ 048 819** 230 EA 502 155
**Who Did What, When and Why?** Pierce, Walter D., *School Management*, v15 n12, pp32-34, Dec 71
*Administrator Responsibility, *Grievance Procedures, *Discipline Policy, *Student Rights, *Due Process, Court Litigation
Appeals of discipline decisions are increasing; the need for set procedures to handle them is increasingly important. (Author)

**EJ 049 416** 420 AA 511 170
**Student Rights and Responsibilities** . *Today's Education*, v61 n1, pp50-2, Jan 72
*Student School Relationship, *School Policy, *Discipline Policy, *Activism, *Civil Liberties, School Administration, Police School Relationship, Civil Rights, Equal Protection, [ Code of Student Rights and Responsibilities]
Article summarizes National Education Association pamphlet. As citizens, students should have full protection of Bill of Rights, due process, protection from illegal search or seizure. As clients of institution, should have substantial influence on how institutions affect their lives. Proper disciplinary procedures for minor and major infractions also outlined. (PD)

**EJ 049 805** 020 AA 511 638
**Changing Patterns of Pupil Control** Swift, David W., *Educational Forum*, v36 n2, pp199-208, Jan 72
*Discipline, *Discipline Policy, Student School Relationship, School Responsibility, Noninstructional Responsibility
Disciplinary methods in American public schools have changed drastically during the past century. Punitive measures of earlier times have been replaced by a concern for the feelings of the child. While humanization played a part it was far from the only factor present. (Author)

**EJ 055 467** 040 AA 512 185
**Student Radicals and the High School** Swanchak, John, *Educational Forum*, v36 n3, pp373-81, Mar 72
*High Schools, *Activism, *Student School Relationship, *Educational Development, *Student Participation, Educational Philosophy, Educational Change, Discipline, Student Attitudes
An overall review of student unrest and its possible causes, student demands, and solutions already undertaken in some areas. (AN)

**EJ 059 729** 020 EA 502 700
**On the Decline of IN LOCO PARENTIS** Howarth, Roy E., *Phi Delta Kappan*, v53 n10, pp626-628, Jun 72
*Student Rights, *Student School Relationship, *School Policy, *School Responsibility, *Discipline Policy, School Law, [ In Loco Parentis]

**EJ 059 730** 020 EA 502 701
**There Is Nothing More Loco than LOCO PARENTIS** Pearl, Arthur, *Phi Delta Kappan*, v53 n10, pp629-631, Jun 72
*Student School Relationship, *Student Teacher Relationship, *School Responsibility, *School Policy, *Discipline Policy, Administrative Personnel, Student Development, Teacher Behavior, [ In Loco Parentis]

**EJ 058 991** 230 EA 502 645
**Suspension, Expulsion, and Procedural Due Process** Manley-Casimir, Michael E., *Administrator's Notebook*, v20 n6, pp1-4, Feb 72
*Suspension, *Expulsion, *Due Process, *School Law, *School Policy, Student Rights, Discipline Policy, Court Cases

**EJ 061 750** 140 SP 501 468
**Junior High School in a Democracy: Enforcement of Discipline Without Representation** Guilford, Barbara Jo, *New Voices in Education*, v2 n2, pp8-9, Spr 72
*Secondary Education, *Student Rights, *Discipline, Junior High Schools, Junior High School Students

**EJ 061 961** 230 EA 502 847
**Model School Disciplinary Code** Kobrick, Jeff, Lines, Patricia M., *Inequality in Education*, n12, pp47-49, Jul 72
*Discipline Policy, *Behavior Standards, *Student Rights, *Discipline, *Due Process, Principals, Suspension, Expulsion, Models

# Doctoral Dissertations

Austin, Alvin Owens, II, Ph.D. Views of the Chairmen of Boards of Control of Selected Small Colleges Concerning Student Rights, Freedoms, and Responsibilities. The University of Mississippi, 1971. (Order No. 71-25,676)

## Purpose

The purpose of the study was to determine and report the views of the chairmen of the boards of control of the member colleges of The Council for the Advancement of Small Colleges toward certain student rights, freedoms, and responsibilities, including the degree of desired student participation in the policy-making process of the institutions.

## Procedures

The writer developed a questionnaire using the main divisions of the Joint Statement on Rights and Freedoms of Students (1967) as a

basis. A pilot study was conducted and the revised questionnaire, sent to the eighty-six board chairmen of the member colleges of The Council for the Advancement of Small Colleges.

## Findings

Students participated as full-voting members of the boards of control at 4.2 per cent of the institutions. Forty per cent of the board chairmen indicated that they consulted students on issues dealing directly with student affairs. The majority of board chairmen considered attendance at their institution to be a privilege extended to the student and not a right of the student.

Most board chairmen favored administrative control over the selection of student group advisors, the membership of student organizations, the selection of campus speakers, and the contents of student publications.

The majority of board chairmen supported the right of the student to express himself individually and collectively so long as this did not lead to disruptions on the campus.

The majority of board chairmen favored grating students due process in all disciplianry matters. The board chairmen supported the right of the administration to search the premises occupied by a student and to hold a student accountable for all of his off-campus behavior.

Most board chairmen disapproved of full student participation in the decision-making process of the institution. Only in the area of the formation and enforcement of rules and regulations governing student conduct did the majority of board chairmen favor full student participation.

## Recommendations

(1) It is suggested that the board chairmen institute a self study to

determine if positive gains would result if the boards of control were more representative of younger age groups.

(2) It is recommended that the board chairmen familiarize themselves with the issues of student rights, freedoms and responsibilities and seek to implement the basic rights and freedoms of the student while at the same time encouraging all students to measure up to their responsibilities.

(3) It is recommended that additional studies be done to determine if the views expressed by the chairmen of the boards of control are consistent with the views held by the majority of the members of the boards of control and are consistent with the views held by the administrators of the institutions.

Badders, Frederick Toliver, Ph.D.

A Content Analysis of Statements Concerning Student Rights and Responsibilities Contained in Policy Manuals of Governing Boards of Selected Institutions of Public Higher Education. The Florida State University, 1970.

(Order No. 71-18,348)

A content analysis of statements concerning student rights and responsibilities was made of the official written policies of governing boards of institutions which belong to the National Association of State Universities and Land-Grant Colleges.

A Framework for Analysis developed to provide a guide for synthesizing and analyzing the policies contained seventy-two categories of policies grouped into these sections: General; Inquiry and Expression; Association and Organization; Student Publications; Student Records; Code of Conduct--General Policies and Procedures; Code of Conduct Standards--Value or Honor

Oriented, Health or Safety Oriented, and Administrative Oriented; and Code of Conduct--Specific Aspects of Due Process.

The analysis of the policies revealed: (1) Almost two-thirds (62 per cent) of the boards included a general philosophical statement on the need for student rights and responsibilities. (2) Forty (40) of the boards (73 per cent) stated at least some acknowledgement of the right of the student to engage in non-disruptive inquiry and expression. (3) Forty (40) of the boards (73 per cent) had atleast some policy statement on the non-acceptance of disruptive inquiry and expression. (4) A total of 26 additional categories of specific conduct standards was listed with the categories mentioned most often being: dishonesty, fraud of records, alcohol, drugs, living or housing standards, and non-compliance with university officials.

(5) Fifty-three (53), or 96 per cent, of the boards made some comment about a code of conduct. Forty-one (41), or 75 per cent, of these boards made some statement on conduct due process.

(6) There were differences in the number and scope of official board policies among the accrediting regions.

(7) There has been a significant increase (379 per cent) since 1964 in the inclusion of policies by governing boards on student rights and responsibilities--especially policies on disruption and due process.

(8) The official board policies have incorporated the policy items of the Joint Statement on Rights and Freedoms of Students at about the same rate of inclusion as other policies about student rights and responsibilities.

Conclusions based on the findings are:

(1) Although most of the boards have some policy statements on student rights and responsibilities, very few

of the boards include many policies. In this sense, these boards provide very little official direction to the institutional and board publics on student rights and responsibilities.

(2) There is a wide range in the number and scope of policies among the individual boards.

(3) Most board documents seem to be in a continual state of development and revision.

(4) Boards across the nation are relatively consistent in the number and scope of policies in the specific area of inquiry and expression.

(5) Most boards tend to acknowledge the right of the student to freedom of expression as long as the normal activities of the campus are not disrupted.

Brown, Byron Bert, Ed.D. The Legal Status of Married Students in Texas Public High Schools. Baylor University, 1971. (Order No. 71-24,636)

## Purpose

The purpose of this study was as follows: (1) To analyze the substantive content of Texas school board policies regarding married students; (2) to assess the possible legality of these policies in view of all reported court decisions and attorneys general opinions in the United States; (3) to obtain and interpret administrative opinions concerning student marriages in Texas secondary schools, and (4) to obtain statistical data in relation to incidence of marriage among Texas high school students.

## Procedure

The legal status of married students in Texas public high schools was determined by descriptive and historical research procedures.

The questionnaire, records of court cases, and opinions of United State Attorneys General were the major techniques used.

## Findings

The Texas Constitution, as well as the Texas Statutes, make no reference to married students and their relationship to the public schools. Texas Attorneys General have issued opinions that married students cannot be excluded from public schools solely on the grounds of marriage. School boards cannot legally suspend a married student from the public schools on the basis of marriage alone. Married students are to be treated the same as the un-married student insofar as the right to attend the public school is concerned.

School board policies compelling the attendance of married students have been held invalid by the courts.

Courts have consistently upheld the power of school boards to regulate the cocurricular activities of

married students. Such activities, in order to be regulated, must not be part of the academic program.

Most of the school boards in Texas have seen the need for the adoption of marriage policy. Over-all, the most frequently imposed policy in all of the districts was, "Continued attendance is permitted but they (students who marry) cannot participate in cocurricular activities." This type of policy has been held valid by the courts.

With reference to a curriculum designed for married students, instruction in marriage and family life problems was offered in over half the schools.

## Recommendations

(1) That the citizens, the board of control, and professional educators accept and act upon the conclusion that expulsion, suspension, or discouragement from continued attendance in schools are not sound practices which would offer a solution to the problem of student marriages.

(2) That school officials take steps to discourage the marriage of high school students by using classroom instructional activities to show the many advantages of waiting until one has finished high school.

(3) That instruction in marriage and family life problems be taught.

(4) That special counseling and homeroom guidance programs be developed and implemented into the cocurricular program as a means of coping with some of the problems caused by teen-age marriages.

(5) That there be no restrictive school policy prohibiting students from continued education after marriage.

(6) That all school boards begin to study the problem as it exists in each school as the first step in the development of policies and practicies which are compatible to both schools and married students. It is recommended that all school policies regarding married students be written in the minutes of the school board.

(7) That the Texas Education Agency consider the development of a blanket policy regarding married students to be employed by all school districts throughout the State of Texas, thus eradicating inconsistencies in policies and expensive legal entanglements with married students.

Emanuel, Orvil Lee, Ed.D. An Investigation of the Control Structure in Public School Systems as Perceived by Various Hierarchical Levels. University of Kansas, 1971. (Order No. 71-27,219)

## Problems

The Problem of this study was to measure the opinions of various individuals in organizational roles regarding the degree of control they perceive is exerted by different hierarchical levels when certain organizational decision-making areas are considered as compared to how much control they feel the same roles should exert.

## Questions to be Answered

Three general questions were formulated.

(1) Is there agreement or disagreement between the various hierarchical levels as to which level(s) exercise the greatest degree of control.

(2) Is there agreement or disagreement between the various hierarchical

levels as to which level(s) should exercise the greatest degree of control.

(3) Are there significant differences among the various hierarchical levels' perceptions of which level(s) have the most control as compared to which level(s) should have the most control.

## Procedures

The data were collected from a sample consisting of teachers, principals, central office administrators, superintendents in the Kansas City, Missouri area.

All of the subjects completed a questionnaire designed to measure each subject's opinion regarding the hierarchical level(s) which he feels exert the greatest influence in resolving those organizational decisions having to do with curriculum development, certified personnel policies, teaching techniques, pupil personnel policies, and allocation of funds.

The data were analyzed by employing two one-way analyses of variance models.

## Conclusions

(1) The school organizations included in this study generally maintain the traditional autocratic hierarchical control relationships with levels of authority running from the superior (superintentendent) to the subordinate (teacher).

(2) There are conflicting views regarding the amount of actual control that is exercised by the various hierarchical levels.

(3) There are distinct discrepancies between the influence which members perceive to exist in the organization, and that which they feel should exist.

(4) Upper hierarchical levels (particularly superintendents) are generally satisfied with the status quo.

(5) Lower hierarchical levels (particularly teachers) are overwhelmingly dissatisfied with the current distribution of control and feel that they should have more influence.

(6) The degree of control (either actual or ideal) exercised by middle management (in this case, central office administrators and principals) is somewhat unclear and indefinite.

(7) Since there are a number and a variety of conflicting views, most educators on all hierarchical levels do not understand fully the control structure of their school systems.

Jankiewicz, Paul, Ph.D. Study of Disciplinary Practices in American Higher Education from 1636 to 1900. The University of Connecticut, 1971. (Order No. 71-29,875)

It was the purpose of this investigation to survey the disciplinary practices of American institutions of higher education between the years 1636 to 1900 with the intention of discovering answers to the following questions:

(1) Were the rules and regulations of this era of the same kind or did they vary greatly from the founding of Harvard to the end of the nineteenth century?

(2) Who was resonsible for supervising student conduct during these years? Did the source and person of authority change? Were the students involved in self regulation?

(3) Did the disciplinary penalties employed during this period remain constant or did they vary greatly? What were some of the influences of change affecting the assessment of penalties during this era?

(4) How did students misbehave during this period? How did the "collegiate way of life" develop?

This study has focused on four major areas:

(1) The codes of behavior established by institutions for the student populations.

(2) The loci of disciplinary authority in the colleges and universities.

(3) The penalties imposed by the schools for student misbehavior.

(4) The types of student misbehavior.

This study traces the development of disciplinary practices from the rigidly restrictive routine of the colonial period through the transition into the laissez-faire collegiate way of life; from the control figure of the god-fearing, clergyman, substitute parent to that of the developing student personnel administrator, whose primary function was the supervision of the activities of students.

The study of disciplinary practices in American higher education demonstrates the maxim that in education, as in most other areas of human activity, there are few things which are new that have not been new before.

McMurray, Vernon Fritz, Jr., Ed.D. Changing Practices and Concepts in Due Process of Law in American Colleges and Universities as it Relates to Student Suspension and Expulsion. University of Arkansas, 1971. (Order No. 71-27,679)

## Purpose

The purposes of this study were:

(1) To show current developments and trends in the law as they apply to the relationships existing between institutions of higher learning and their students with particular reference to disciplinary procedures involving student dismissals.

(2) To examine in detail pertinent cases that involved alleged violations of student rights as provided by the Fifth and Fourteenth Amendments to the United States Constitution.

## Procedure

A bibliography was drawn from legal and educational sources.

## Conclusions

The evidence in this study supports the following answers.

(1) What is the current status of "due process of law" as applied to the nation's colleges and universities? Many institutions provide for due process in their disciplinary proceedings. In addition to providng those essentials of fair play that are required by precendent setting cases, many exceed those safeguards required by law.

Due process in student disciplinary proceedings is expanding to include more of the nation's colleges and universities.

(2) What implications are there for college and university administrators resulting from cases in the 1960's involving failure to grant students "due process of law"?

Administrators have been made aware of the fact that courts will overturn unfair or unconstitutional rules and/or regulations.

Each institution should formulate and enforce rules, regulations and standards that are relevant to its lawful aims

and purposes, and these should be published and made available to each student.

Administrators should establish channels of communication with the proper legal persons or agencies so as to maintain a constant awareness of legal decisions that may affect them and the operation of their respective institution.

Metzger, Jerome Charles, Ed.D. Litigation, 1960-1970, Involving Students and Higher Education Institutions. Indiana University, 1971. (Order No. 71-24,557)

## Purpose

The purpose of this study was to analyze both the volume and nature of litigation involving students and the institutions of higher education they attend relative to the First, Fourth, Sixth and Fourteenth Amendments of the United States Constitution during the years 1960 to 1970.

## Procedure

Various legal publications and reference citations found within related court cases furnished a list of important court decisions for analysis. Various listings of procedures which should be followed by administrators and students in their attempts to follow the

dictates of judicial judgements according to the United States Constitution were extracted from recorded court cases.

## Findings

The American college and university should be an open forum for free speech. If regulations must be imposed, then they must be precise in language.

Further, just to assert that an individual's speech is political in nature and under free choice does not necessarily make speech a protected entity.

The harm that results from college and university restrictions or censorship of press in the form of obscenity censorship does not outweigh the danger of limitations on free speech.

Students who assemble in campus buildings and use campus property are subject to trespass after they have been asked to leave by proper authorities.

The most important factor in an administrative search of a student's residence hall room is whether or not the search is a "reasonable" exercise of an institution's general supervisory duties.

Disciplinary hearings do not have to be delayed until civil or criminal hearings have been completed.

An evidentiary hearing must be granted to a student before permanent expulsion.

A student must be given the opportunity to show bias on the part of members of a disciplinary board.

Generally, students do not have the right to use a lawyer at disciplinary hearings.

A student must be given a list of charges before a disciplinary hearing.

Students have a "right of interest" in their college educations.

Due process must be followed in disciplinary cases.

## Conclusions

Officials of educational institutions have control of the use of plant facilities insofar as First Amendment rights and privileges are concerned.

Student find support in the courts for their claims to procedural rights in expulsion and suspension cases.

Students use due process to attack educational institutions.

Courts do not encourage causing institutional disciplinary proceedings to develop into adversary cases.

The nonpublic institution can specify more restrictions than a public institution.

Niewiadomski, Arthur Joseph, Ph.D. Student Perceptions of Secondary School Discipline Practices. Fordham University, 1971. (Order No. 71-27,015)

It was the purpose of this study to determine student perceptions of:

(1) School discipline practices;

(2) The seriousness of common infractions;

(3) The fairness of disciplinary action for common infractions; and

(4) The effectiveness of disciplinary action for common infractions.

Data were gathered by means of a perceptionnaire devised to elicit subjective responses from public and parochial junior class students.

The following conclusions seem to be evident:

The general condition of discipline and disciplinary practices in the schools studied was found to be moderate.

The use of drugs, destruction of

school property and stealing were first, second and third, respectively, the most serious discipline problems as perceived by the students. Gambling, lying, persistent lateness, vulgar language, cheating, disrespect to teachers, fighting, forging passes or excuses, smoking and truancy were no longer considered to be serious offenses.

The fairness of the disciplinary action taken for each infraction seemed to indicate that in most of the conduct situations the disciplinary action taken was fair except in specific conduct situations of disrespect to teachers, forging passes or excuses, lying, persistent lateness and stealing.

The effectiveness of the disciplinary action taken seemed to indicate that in most of the conduct situations the disciplinary action taken was effective, except in the specific conduct situations of gambling, lying and stealing.

The relationship between the seriousness of each infraction and the fairness of the disciplinary action taken seemed to indicate that except for disrespect to teachers, forging passes or excuses, lying, persistent lateness and stealing, there were consistency and fairness between the perceived seriousness of the offense and the perceived fairness of the disciplinary action taken.

There was no discrepancy between the perceived fairness of the disciplinary action taken and the effectiveness of the disciplinary action taken for all the conduct situations.

Ratliff, Richard Charles. Constitutional Rights of College Students--A Study in Case Law. The University of Oklahoma, 1971. (Order No. 71017,050)

Disciplinary sanctions against college and university students in the United States have customarily been imposed--regardless of the severity of penalties--by college administrators or faculty members who commonly acted summarily, often with little consideration for procedural considerations commonly associated with the concept of due process. Two basic reasons have been forwarded for the denial of procedural safeguards to students in such actions:

(1) Disciplinary proceedings have consistently been described as civil, rather than criminal actions; and

(2) The in loco parentis theory and the contract concept of student-college relationships have both

served to support the denial to students of both procedural and substantive rights protected by the U.S. Bill of Rights and the fourteenth amendment under other circumstances.

In 1961 the Fifth United States Court of Appeals utilized the case of Dixon v. Alabama (294 F.2d 150) to declare that students at tax-supported colleges are entitled to notice and rudimentary hearing before they may be denied their status as students. Dixon effectively opened the federal courts to appeals by students claiming to have been denied constitutional rights by arbitrary administrative action. It also substantially laid to rest the in loco parentis and contract concepts of student-college relationships at tax-supported institutions. Subsequent federal court decisions have expanded the import of the Dixon

doctrine as applied to procedural rights. At the same time, other federal courts have expanded the rationale to bar denial of first amendment rights to college students. Numerous efforts to expand the constitutional rights rationale to embrace private colleges have failed.

This work examines the profound change which has come about in the nature of higher education in the United States in the past century, pointing up the increased value and importance of college-student status in recent decades; it summarizes various legal concepts which have been utilized to describe the relationship between the college and the student. It analyzes Dixon and subsequent decisions which have greatly expanded the legal rights of students in all tax-supported schools, and draws a number of conclusions which seem justified by the evidence presented.

Reporter System from 1960-1970, a study of the law codes of each state to determine the existence of legislation in the area of privileged information, a study of Attorney General Opinions of the several states for related decisions, and a study of the writings and statements of professional organizations and experts in the field.

Some of the most significant findings of the study are as follows:

(1) There is a growing concern among students, faculty, and particularly student teachers, as to the types of information going into their personnel files, and to whom this information is being released;

(2) Many educational institutions do not have carefully considered and clearly established policies regarding the collection, use, and release of confidential records;

(3) Many colleges and universities are releasing information about students without their consent or knowledge;

(4) Many schools have not instituted proper safeguards to protect personnel records from inspection by unauthorized personnel;

(5) Most states have no legislation to guide schools in the area of privileged information;

(6) Many people handling student records have no legal knowledge of the implications of their responsibilities;

(7) Only the concept of conditional privilege applies to the field of education in most cases;

(8) Parents have the right to examine any and all records possessed by a school district pertaining to their children.

(9) The release of information to prospective employers is

conditionally privileged in the absence of malice;

(10) Letters of recommendations are conditionally privileged in the absence of malice;

(11) Teachers have the right to examine their personal files;

(12) Teachers are public officials within the meaning of the Sullivan Rule.

Sullivan, Maurice Michel, Ph.D. Academic Freedom in Historical-Legal Context. Miami University, 1971. (Order No. 71-25,529)

## Problem

The three-fold purpose of this study was to :

(1) Analyze the historical-legal development of academic freedom in the United States;

(2) Ascertain the contemporary legal status and definition of classroom academic freedom; and

(3) Make recommendations to public school administrators for the purpose of creating a broader understanding of education's legal role in the democratic society.

## Method

The historical-legal method of research was employed in this study. Cases of record, empirical data, significant decisions of the AAUP and related litigation were

scrutinized for the purpose of determining the legal status of academic freedom as applied to the public classroom scene at all instructional levels from the elementary school through the university. Related consitutional issues as well as the due process and tenure concepts were reviewed as they represented the major legal support areas for the operation of intellectual liberty.

## Findings

Some of the major findings were:

(1) The relationship of academic freedom to colonial religion, Civil War issues, Darwinism, Academische Freiheit--the German influence--economic heresy, and loyalty.

(2) Fundamental changes in social direction and significant dismissals of professional scholars have both helped to shape the development of academic freedom.

(3) Academic freedom is emerging as a constitutional right in the early 1970's.

## Conclusions

Some of the major conclusions were:

(1) A gradual liberalization of academic freedom has occurred since the founding of Harvard College in 1636.

(2) Academic freedom is often permitted or suppressed according to the conditions which characterize the larger society.

(3) Academic freedom is justified legally or consitutionally when viewed as an interest of society rather than a privilege established for the sole use of educators.

(4) Legal principles derived from the Constitution and related to academic freedom apply equally to all levels of public education.

## Recommendations

The writer listed recommendations under the following headings:

(1) general; (2) for the classroom; (3) for teachers; (4) governing boards and administrators; (5) elementary and secondary education; (6) higher education; (7) due process; (8) tenure.

Some of the major recommendations were:

(1) Policy, or a set of guiding principles, should be developed by every educational institution or system so that a method of dealing with the repercussions of controversial issues is readily available.

(2) Teachers at all instructional levels should attempt to establish an atmosphere of free inquiry in their classrooms in order to better serve the interests of the democratic society.

Wolfley, Earl Scott, Ed.D.
Measurement of Utah High School Seniors Knowledge and Attitudes Toward the Concepts of Law Applicable to Them. University of Utah, 1971. (Order No. 71-25,014)

Problem

The problem of this study was:

(1) to measure the knowledge of Utah high school seniors in reference to concepts of law applicable to them;

(2) to measure their attitudes pertaining to such legal concepts;

(3) to reflect comparisons between differing sociological youth groups, urban and rural, small and large schools in respect to law; and

(4) to ascertain whether a formalized basis for early legal education existed. Perspective on certain questions was also sought: common reasons for trouble with law, types of violations, perception

of non-identity in news media, persons and groups influencing legal understandings, media impact, most important purposes and sources for law, viewpoint on society's freedoms and restrictions, and the relationship of parental occupations to youth problems.

## Procedure

1,259 seniors participated.

An instrument was designed with the following data items: background information, questions on youth law, experience with law, the purposes of law, and regard for law and its enforcement.

## Findings and Conclusions

Validation of relevant hypotheses to the study was as follows:

(1) Inconclusive evidence was derived for supporting the hypothesis that seniors with a better knowledge of law have fewer difficulties with law.

(2) Invalidation was derived for the hypothesis that seniors have a negative attitude toward law applicable to them.

(3) The hypothesis that differences in the understanding of law exist between rural and urban seniors was invalidated.

(4) No significant differences in understanding law, as between seniors of large schools and small schools, was determined.

(5) The respondents indicated support for the hypothesis: "a formalized basis for early legal education exists." Substantive legal instruction was perceived as a need, particularly in social studies courses.

(6) Concerning the supplemental questions, the most significant findings were that (a) socio-emotional reasons (group pressure, authority defiance, attention-getting, etc.) were perceived as

influential trouble factors over knowledge deficiency; (b) traffic tickets, jeopardy of self, and theft were the most common violations; (c) seniors favored non-identity when in trouble; (d) parents and friends ranked the highest as personal legal sources; and; (e) senior-perceived purposes of law centered around order maintenance.

Recommendations

It was recommended that:

(1) Early legal education units be constructed within existing secondary courses, supplemented by in-service, workshops, institutes, simulated experiences, and selective staffing.

(2) Community citizen involvement be more pronounced in reducing lawbreaking incidence and not just information transmission.

(3) The true "services" role of

law enforcement be emphasized in the curriculum.

(4) Law enforcement agencies train for work with youth in professional university departments designed for that purpose.

(5) Coordination among interested social agencies be developed.

(6) Crucial court decisions be clarified to define school administrative and judicial relationships.

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